IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5123 of 2007()

MP.3131/2007 of J.M.F.C.,PARAVUR
CRIME NO.158/07 OF MUNAMBAM POLICE STATION

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: PETITIONERS/ACCUSED NO.1 TO 3

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1. RAJEEV, AGED 25 YEARS,
   S/O VELAYUDHAN, CHAKKANATTU HOUSE,
   HOUSE NO.11/67, MUNAMBAM KARA, KUZHUPPILLY
   VILLAGE, KOCHI TALUK.

2. SIRAJ, AGED 27 YEARS,
   S/O AYYAPPAN, NEDUMPARAMBIL HOUSE,
   H.NO.11/555, KUZHUPPILLY KARA,
   KOCHI TALUK.

3. DILEEP, AGED 24 YEARS,
   S/O NANDANAN, RESIDING AT SUDHAN'S HOUSE,
   ALLAPA5RAMBIL, KUZHUPPILLY(FROM KAROLIL HOUSE,
   VALAPPU BHAGOM).

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SMT.P.RANI DIOTHIMA

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5123 of 2007

Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. The petitioners are accused 1 to 3. Altogether there are 4 accused persons. The crime is registered, inter alia, under Sections 326 and 307 I.P.C. The crux of the allegations is that the petitioners who belong to the B.J.P, on account of prior animosity, had trespassed into the house of the defacto complainant and had inflicted serious injuries on the victim, a person belonging to the D.Y.F.I as also his mother and wife. The alleged incident took place on 20.05.07. The F.I statement is lodged by the mother of the principal injured. She did not know the name of the accused and they are not hence named in the F.I.R. Subsequently after the principal injured recovered his consciousness, he named the petitioners as the persons who had committed the crime. It is accordingly that the petitioners were brought on the array of accused. Investigation is in progress.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Merely because the petitioners happened to be activists of the B.J.P, false allegations have been raised against them. If as a matter of fact the petitioners were local

persons who are involved in the incident, it is unlikely that the mother of the principal victim ie. the defacto complainant herein would not have named them as accused in the F.I.R. The learned counsel for the petitioners, in these circumstances, prays that the petitioners who have remained in custody from 13.07.007 may now be enlarged on bail.

3. The application is opposed by the learned Public Prosecutor . The learned Public Prosecutor submits that the allegations are serious. Very serious injuries have been suffered by the victims. A tense law and order situation prevails in the locality. Such violence on the basis of political differences must be frowned upon by the democratic polity. The matter deserves very serious approach, submits the learned Public Prosecutor .

4. I have considered all the relevant inputs. I find merit in the opposition by the learned Public Prosecutor . I am satisfied that the petitioners do not deserve to be enlarged on bail at this stage. In coming to this conclusion, I have taken note of the nature and gravity of the allegations, the nature and gravity of the injury suffered, the quantum and quality of the data collected as also the stage of the investigation. I am satisfied that the investigator must be given some further time to complete the investigation.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioners shall be at liberty to move the learned Sessions Judge or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 05.09.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-